

HOUSE BILL 3450
By McMillan

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 11, Part 16, relative to certificates of need for nursing home beds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 16, is amended by adding the following as a new section:

68-11-1627.

(a) A replacement facility application is any application that proposes to replace one (1) or more currently licensed nursing homes with another single licensed nursing home.

(b) Any application or portion of a replacement facility application that does not increase the number of licensed beds over the number of beds in the existing facility or facilities being replaced shall be exempt from the criteria of §§ 68-11-1621 and 68-11-1622. Applications for such a replacement nursing home shall be reviewed by the department and considered by the agency pursuant to the criteria in § 68-11-1609. In reviewing the application, the agency shall give preference to projects that propose replacement facilities because of building or life safety standard issues.

(c) If a replacement facility application seeks to increase the number of licensed beds over the number of beds in the existing facility or facilities being replaced, that portion of the application that increases the

number of beds must comply with the provisions of § 68-11-1622.

The remaining part of the application relative to the replacement of the facility or facilities shall be exempt from the criteria of §§ 68-11-1621 and 68-11-1622 and shall be reviewed by the department and considered by the agency pursuant to the criteria in § 68-11-1609. In reviewing the application, the agency shall give preference to projects that propose replacement facilities because of building or life safety standard issues.

(d) Other than as provided in this section, the relocation of licensed nursing home beds to another facility or site is prohibited.

SECTION 2. Nothing in this act shall affect a certificate of need project filed prior to the effective date of this act.

SECTION 3. This act shall take effect July 1, 2004, the public welfare requiring it